

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

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UNITED STATES OF AMERICA

CRIMINAL NO. 20-0293 (01)

VERSUS

JUDGE ELIZABETH E. FOOTE

DEMETRIUS LOSTON (01)

MAGISTRATE JUDGE HORNSBY

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**ORDER**

Before the Court are two motions filed by Defendant Demetrius Loston ("Loston"):

(1) a motion for an extension of time to file his reply brief [Record Document 453] and

(2) a motion for leave to amend/correct one of his previous filings [Record Document 455].

Loston first requests an extension to file his reply brief. Record Document 453. Loston states that this is his first motion for an extension to file his reply brief; however, the Court notes that this is actually Loston's third extension request as to his reply brief. *See* Record Documents 447 & 451. However, upon due consideration, and based on Loston's assertions about his facility's lockdown status, Loston's motion for an extension [Record Document 451] is **GRANTED**. The Court is now in receipt of Loston's reply brief [Record Document 454] and will consider it timely filed.

Loston next requests leave to amend or correct "his § 2255 motion." Record Document 455 at 1. In his motion, Loston asserts that the filing he wishes to amend was submitted to his prison's mail room on November 15, 2024. *Id.* The Court interprets this to mean that Loston is requesting leave to amend his reply brief. *See id.* Loston states

that his amended brief “will not contain any new claims within its contents” and “will contain grammatical changes only.” *Id.* Loston is a *pro se* prisoner and his filings are “entitled to the benefit of liberal construction.” *Hernandez v. Thaler*, 630 F.3d 420, 426 (5th Cir. 2011). While the Court appreciates Loston’s attempts to correct grammatical errors in his reply brief, it can consider the filing without such corrections. To avoid unnecessary confusion between competing versions of the filing, and to ensure timely consideration of Loston’s filings, Loston’s motion for leave to amend or correct his reply brief is **DENIED**.

For the reasons assigned herein, Loston’s motion for an extension of time [Record Document 453] is hereby **GRANTED**. Loston’s motion for leave to amend his reply brief [Record Document 455] is hereby **DENIED**.

**THUS DONE AND SIGNED** this 21st day of November, 2024.



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ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE